



STATE OF CONNECTICUT :  
V. :  
CITY OF BRIDGEPORT :

## ORDER

A. The Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. The City of Bridgeport ("the Respondent") owns and operates a sanitary sewerage system, including sewage treatment facilities and discharges treated sanitary sewage under the terms and conditions of National Pollutant Discharge Elimination System (NPDES) Permit No. CT0101010 (East Side) and NPDES Permit No. CT0100056 (West Side).
2. The Respondent maintains a sewerage system, which includes sewers that convey both stormwater and sanitary sewage ("combined sewers"). During increased flow conditions associated with wet weather events, such combined sewers discharge untreated or partially treated sewage to the waters of the state at certain locations ("combined sewer overflows" or "CSOs"). Currently the Respondent has 30 active combined sewer overflow outfall locations within its collection system.
3. The United States Environmental Protection Agency ("EPA") has published the *Combined Sewer Overflow Control Policy, April 1994*, which requires compliance with the implementation of the "Nine Minimum Controls" and development of a "Long-Term Combined Sewer Overflow Control Plan".
4. On May 30, 2001, the Commissioner issued Order No. WC5320 to address the uncontrolled combined sewer overflows to Island Brook and the Pequonnock River.
5. On January 23, 2001, the Respondent submitted for the Commissioner's review and approval the Report entitled *Facility Plan 2000 Report, Water Pollution Control Authority of Bridgeport, Connecticut*, prepared by the Kasper Group Inc. The Commissioner found that the Respondent's report did not adequately address the requirements of a Long-Term Combined Sewer Overflow Control Plan and that the Respondent had not fully implemented all of the Nine Minimum Controls.
6. On August 18, 2008, the Commissioner issued Order No. WC5478 requiring a Long-Term Combined Sewer Overflow Control Plan, full compliance with the revised Nine Minimum Controls Plans as required by EPA's 1994 Combined Sewer Overflow Control Policy, a report defining acceptable mixing zones for achieving water quality standards for the Pequonnock River, Bridgeport Harbor, Black Rock Harbor and Cedar

Creek, and a Communication Plan.

7. The Connecticut Department of Environmental Protection has subsequently been renamed the Connecticut Department of Energy and Environmental Protection ("DEEP"). Any and all references within this Order are considered to be DEEP.
  8. On April 29, 2009 the Respondent submitted for the Commissioner's review and approval the *Summary of Compliance with the Nine Minimum Controls (NMC) and Compliance Plan of Study* (POS) dated April 2009, prepared by Malcolm Pirnie. The NMC and POS were approved with three additions on June 24, 2009.
  9. On June 1, 2009 the Respondent submitted for the Commissioner's review and approval a draft of the *Bridgeport WPCA CSO and Receiving Water Field Sampling and Quality Assurance Plan* (QAP) dated July 2009 prepared by Malcolm Pirnie. After DEEP comment, the final report was received July 27, 2009. The QAP was approved on August 12, 2009 with three additions.
  10. The Communication Plan submitted on August 28, 2009 for the Commissioner's review and approval by the Respondent was approved on October 14, 2009.
  11. On July 22, 2011, the Respondent submitted for the Commissioner's review and approval the *Bridgeport CSO Long Term Control Plan* (LTCP) prepared by Malcolm Pirnie. The plan outlines removal of CSOs to the 1 year, 24 hour storm.
  12. On January 5, 2018, the Commissioner approved the LTCP report referenced in paragraph A.11 above. The project was approved upon an updated schedule submitted December 20, 2017 as Figure 9-2D.
  13. The LTCP referenced in paragraphs A.11 and A.12 above recommends Combined Sewer Overflow control to the 1 year, 24-hour storm. The methods include an illicit connection elimination program, sewer separation, static weir control, Combined Sewer Overflow storage tanks, a continuous water quality monitoring and modeling program, Combined Sewer Overflow relief sewers, and the Tunnel Storage System.
  14. This order supersedes orders WC5320 and WC5478.
  15. By virtue of the above, the Respondent is causing pollution of the waters of the state and is maintaining facilities or conditions that can reasonably be expected to create a source of pollution to the waters of the state.
- B. The Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-427, §22a-428, §22a-430, and §22a-431 of the Connecticut General Statutes, orders the Respondent as follows:
1. The Respondent has retained Arcadis, formerly known as Malcolm Pirnie, to complete documents and implement actions in regards to the approved LTCP. A qualified consultant is required until this order is fully complied with, and, within ten days after



retaining any consultant other than the one identified in this paragraph, the Respondent shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained shall be a qualified professional engineer licensed to practice in Connecticut and shall be acceptable to the Commissioner. The Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

2. On or before January 31, 2021, the Respondent shall complete the Phase I and II Construction as indicated in the LTCP Schedule some of which is completed or underway. Included is:
  - a. Storm water pump station H2 shall be substantially completed by the end of June 2018.
  - b. Approximately 11 contract lining and sewer separation projects shall be completed by January 2021.
3. On or before January 31, 2021, the Respondent shall submit for the Commissioner's review and approval the design plans and specifications of the Phase III Ash Creek Storage Tank including any green components. Following approval by the Commissioner, the Respondent shall have 730 days to complete construction of the approved design.
4. On or before December 31, 2022, the Respondent shall submit for the Commissioner's review and approval the design plans and specifications of the SEAB Storage tank including any green components. Following approval by the Commissioner, the Respondent shall have 1095 days to complete construction of the approved design.
5. On or before December 31, 2021, and on a 5 year recurring schedule thereafter, the Respondent shall submit for the Commissioner's review and approval a LTCP Update to demonstrate the Respondent's progress to date and a plan for meeting the approved CSO control level until such CSO control has been achieved. The Respondent shall make appropriate revisions to such LTCP Update to address comments made by DEEP as necessary to obtain DEEP approval. Each LTCP Update shall at a minimum comply with the following:
  - a. Each LTCP Update shall be a stand-alone document that builds upon its predecessor.
  - b. Each LTCP Update shall include a public information process and provide an opportunity for receiving and responding to public comment.
  - c. Each LTCP Update shall demonstrate to the Commissioner's satisfaction the Respondent's plans for meeting a 1 year, 24-hour storm of CSO control (zero

discharges) by December 31, 2039.

- d. Each LTCP Update shall include a new five year CSO abatement construction schedule which shall be incorporated into this Order upon approval by DEEP.
6. Water quality monitoring shall be performed continuously with increased monitoring following the completion of each phase of construction. The results of the water quality program shall be incorporated into the LTCP update following construction of the storage tanks referenced in B.3 and B.4 but prior to the design of Combined Sewer Overflow Relief Sewers and determination of the necessity of the final phase and design of the Tunnel Storage System.
7. On or before December 31, 2039, the Respondent shall have constructed all of the improvements necessary to comply with the level of control as referenced in Paragraph A.13.
8. Progress reports: On or before the last day of June and December of each year after issuance of this order, and continuing until all actions required by this order have been completed as approved and to the Commissioner's satisfaction, the Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this order.
9. Full compliance. The Respondent shall not be considered in full compliance with this order until all actions required by this order have been completed as approved and to the Commissioner's satisfaction.
10. Approvals. The Respondent shall use best efforts to submit to the Commissioner all documents required by this order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this order. Nothing in this paragraph shall excuse noncompliance or delay.
11. Definitions. As used in this order, "Commissioner" means the Commissioner or a representative of the Commissioner.
12. Dates. The date of "issuance" of this order is the date the order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this order, including but not limited to notice of approval or disapproval of any



this order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this order, the word "day" as used in this order means calendar day. Any document or action which is required by this order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

13. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this order shall be signed by a principal executive officer or ranking elected official or duly authorized representative of such person, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

14. Noncompliance. This order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this order may subject the Respondent to an injunction and penalties under Chapters 439, and 445 or 446k of the Connecticut General Statutes.
15. False statements. Any false statement in any information submitted pursuant to this order may be punishable as a criminal offense under §22a-438 or 22a-131a of the Connecticut General Statutes or, in accordance with §22a-6, under Section 53a-157 of the Connecticut General Statutes and any other applicable law.
16. Notice of transfer; liability of the Respondent and others. Until the Respondent has fully complied with this order, the Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this order or after obtaining a new mailing or location address. The Respondent's obligations under this order shall not be affected by the passage of title to any property to any other person or Respondent.
17. Commissioner's powers. Nothing in this order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law,

including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by the Respondent pursuant to this order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

18. The Respondent's obligations under law. Nothing in this order shall relieve Respondent of other obligations under applicable federal, state and local law.
19. No assurance by Commissioner. No provision of this order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this order will result in compliance or prevent or abate pollution.
20. Access to site. Any representative of the Department of Energy and Environmental Protection may enter any CSO facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this order.
21. No effect on rights of other persons. This order neither creates nor affects any rights of persons or municipalities that are not parties to this order.
22. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
23. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
24. Submission of documents. Any document required to be submitted to the Commissioner under this order shall, unless otherwise specified in this order or in writing by the Commissioner, be directed to:



Department of Energy and Environmental Protection  
Bureau of Water Protection and Land Reuse  
Water Planning & Management Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

Issued as a final order of the Commissioner of Energy and Environmental Protection.



Robert J. Klee  
Commissioner

6/14/2018

Date

ADMINISTRATIVE ORDER NO. WRMU18002

